

HOUSE OF REPRESENTATIVES
STATE OF UTAH

REPRESENTATIVE JUDY ANN BUFFMIRE

35TH DISTRICT
(SALT LAKE COUNTY)
785 EAST 4255 SOUTH
SALT LAKE CITY, UTAH 84107
HOME (801) 266-1862



STANDING COMMITTEES: EDUCATION; REVENUE AND
TAXATION; RULES
APPROPRIATIONS; PUBLIC EDUCATION

January 25, 2002

SENT VIA:

E-MAIL TO: Microsoft.atr@usdoj.gov

☒ VIA FACSIMILE COPY TO: (202) 307-1454 or (202) 616-9937

The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia

c/o Renata B. Hesse
Antitrust Division, U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, D.C. 20530-0001

Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

This letter will inform you of my opposition to the proposed settlement of the Microsoft lawsuit.

Although we are from different political parties, I agree with the Utah Attorney General's reasons for opposing the proposed settlement – the State of Utah must defend laws that protect our consumers, protect free enterprise, and promote competition. It was determined by the trial court that Microsoft violated the antitrust laws of the United States. That decision has been reviewed and affirmed by the Court of Appeals, and the United States Supreme Court has determined not to hear a further appeal by Microsoft. Microsoft has had ample opportunity to defend itself against charges that its actions thwarted competition in the market. These actions have had an adverse impact on Utah consumers, including some who are my constituents.

Any settlement approved, or any remedy imposed, by the court must assure that Utah's consumers, including its businesses, are protected from Microsoft's anti-competitive behavior. I am informed that the proposed settlement allows Microsoft too much discretion in determining whether or not certain of the settlement provisions apply. Such provisions do not protect free enterprise or promote competition.

Rather than adopting settlement provisions that might lead to future litigation, I recommend that hearings be conducted by the court to determine an appropriate remedy that will ensure fair

competition into the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Judy Ann Buffmire". The signature is fluid and cursive, with a large initial "J" and a distinct "B".

Representative Judy Ann Buffmire
Utah House District 35

cc: The Honorable Mark Shurtleff, Utah Attorney General